

House Bill 961 (AS PASSED HOUSE AND SENATE)

By: Representatives Benton of the 31<sup>st</sup> and Harden of the 28<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To provide for a new charter for the City of Maysville; to provide for incorporation,  
2 boundaries, and powers of the city; to provide for a governing authority of such city and the  
3 powers, duties, authority, election, terms, vacancies, compensation, expenses, qualifications,  
4 prohibitions, conflicts of interest, and suspension and removal from office relative to  
5 members of such governing authority; to provide for inquiries and investigations; to provide  
6 for oaths, organization, meetings, quorum, voting, rules, and procedures; to provide for  
7 ordinances and codes; to provide for a mayor and mayor tempore and certain duties, powers,  
8 and other matters relative thereto; to provide for administrative affairs and responsibilities;  
9 to provide for boards, commissions, and authorities; to provide for a city attorney, a city  
10 clerk, and other personnel and matters relating thereto; to provide for rules and regulations;  
11 to provide for a municipal court and the judge or judges thereof and other matters relative to  
12 those judges; to provide for the court's jurisdiction, powers, practices, and procedures; to  
13 provide for the right of certiorari; to provide for elections; to provide for taxation, licenses,  
14 and fees; to provide for franchises, service charges, and assessments; to provide for bonded  
15 and other indebtedness; to provide for auditing, accounting, budgeting, and appropriations;  
16 to provide for city contracts and purchasing; to provide for the conveyance of property and  
17 interests therein; to provide for bonds for officials; to provide for prior ordinances and rules,  
18 pending matters, and existing personnel; to provide for penalties; to provide for definitions  
19 and construction; to provide for other matters relative to the foregoing; to provide for the  
20 specific repeal of certain local Acts; to provide for submission of this Act for preclearance  
21 under the federal Voting Rights Act of 1965, as amended; to repeal conflicting laws; and for  
22 other purposes.

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

## ARTICLE I

## INCORPORATION AND POWERS

**SECTION 1.10.**

Name.

This city and the inhabitants thereof are reincorporated by the enactment of this charter and are hereby constituted and declared a body politic and corporate under the name and style Maysville, Georgia, and by that name shall have perpetual succession.

**SECTION 1.11.**

Corporate boundaries.

(a) The boundaries of this city shall be those existing on the effective date of the adoption of this charter with such alterations as may be made from time to time in the manner provided by law. The boundaries of this city at all times shall be shown on a map, a written description, or any combination thereof, to be retained permanently in the city hall and to be designated, as the case may be: "Official Map (or Description) of the corporate limits of the City of Maysville, Georgia." Photographic, typed, or other copies of such map or description certified by the city clerk shall be admitted as evidence in all courts and shall have the same force and effect as with the original map or description.

(b) The city council may provide for the redrawing of any such map by ordinance to reflect lawful changes in the corporate boundaries. A redrawn map shall supersede for all purposes the entire map or maps which it is designated to replace.

**SECTION 1.12.**

Powers and construction.

(a) This city shall have all powers possible for a city to have under the present or future constitution and laws of this state as fully and completely as though they were specifically enumerated in this charter. This city shall have all the powers of self-government not otherwise prohibited by this charter or by general law.

(b) The powers of this city shall be construed liberally in favor of the city. The specific mention or failure to mention particular powers shall not be construed as limiting in any way the powers of this city. These powers shall include, but not be limited to, the following:

- (1) Animal regulations. To regulate and license or to prohibit the keeping or running at large of animals and fowl and to provide for the impoundment of same if in violation of any ordinance or lawful order; to provide for the disposition by sale, gift, or humane

destruction of animals and fowl when not redeemed as provided by ordinance; and to provide punishment for violation of ordinances enacted under this charter;

(2) Appropriations and expenditures. To make appropriations for the support of the government of the city; to authorize the expenditure of money for any purposes authorized by this charter and for any purpose for which a municipality is authorized by the laws of the State of Georgia; and to provide for the payment of expenses of the city;

(3) Building regulation. To regulate and to license the erection and construction of buildings and all other structures; to adopt building, housing, plumbing, electrical, gas, and heating and air-conditioning codes; and to regulate all housing and building trades;

(4) Business regulation and taxation. To levy and to provide for the collection of regulatory fees and taxes on privileges, occupations, trades, and professions as authorized by Title 48 of the O.C.G.A. or such other applicable laws as are or may hereafter be enacted; to permit and regulate the same; to provide for the manner and method of payment of such regulatory fees and taxes; and to revoke such permits after due process for failure to pay any city taxes or fees;

(5) Condemnation. To condemn property, inside or outside the corporate limits of the city, for present or future use and for any corporate purpose deemed necessary by the governing authority, utilizing procedures enumerated in Title 22 of the O.C.G.A. or such other applicable laws as are now or may hereafter be enacted;

(6) Contracts. To enter into contracts and agreements with other governmental entities and with private persons, firms, and corporations;

(7) Emergencies. To establish procedures for determining and proclaiming that an emergency situation exists within or outside the city and to make and carry out all reasonable provisions deemed necessary to deal with or meet such an emergency for the protection, safety, health, or well-being of the citizens of the city;

(8) Environmental protection. To protect and preserve the natural resources, environment, and vital areas of the state through the preservation and improvement of air quality, the restoration and maintenance of water resources, the control of erosion and sedimentation, the management of solid and hazardous waste, and other necessary actions for the protection of the environment;

(9) Fire regulations. To fix and establish fire limits and from time to time to extend, enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with general law, relating to both fire prevention and detection and to fire fighting; and to prescribe penalties and punishment for violations thereof;

(10) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection and disposal and other sanitary service charge, tax, or fee for such services as may be necessary in the operation of the city from all individuals, firms, and corporations

residing in or doing business in the city benefiting from such services; to enforce the payment of such charges, taxes, or fees; and to provide for the manner and method of collecting such service charges;

(11) General health, safety, and welfare. To define, regulate, and prohibit any act, practice, conduct, or use of property which is detrimental to health, sanitation, cleanliness, welfare, and safety of the inhabitants of the city and to provide for the enforcement of such standards;

(12) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for any purpose related to powers and duties of the city and the general welfare of its citizens, on such terms and conditions as the donor or grantor may impose;

(13) Health and sanitation. To prescribe standards of health and sanitation and to provide for the enforcement of such standards;

(14) Jail sentences. To provide that persons given jail sentences in the municipal court may work out such sentences in any public works or on the streets, roads, drains, and other public property in the city; to provide for commitment of such persons to any jail; or to provide for commitment of such persons to any county work camp or county jail by agreement with the appropriate county officials;

(15) Motor vehicles. To regulate the operation of motor vehicles and exercise control over all traffic, including parking upon or across the streets, roads, alleys, and walkways of the city;

(16) Municipal agencies and delegation of power. To create, alter, or abolish departments, boards, offices, commissions, and agencies of the city and to confer upon such agencies the necessary and appropriate authority for carrying out all the powers conferred upon or delegated to the same;

(17) Municipal debts. To appropriate and borrow money for the payment of debts of the city and to issue bonds for the purpose of raising revenue to carry out any project, program, or venture authorized by this charter or the laws of the State of Georgia;

(18) Municipal property ownership. To acquire, dispose of, lease, and hold in trust or otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or outside the property limits of the city;

(19) Municipal property protection. To provide for the preservation and protection of property and equipment of the city and the administration and use of same by the public; and to prescribe penalties and punishment for violations thereof;

(20) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose of public utilities, including but not limited to a system of waterworks, sewers and drains, sewage disposal, gas works, electric light plants, cable television and other telecommunications, transportation facilities, public airports, and any other public utility;

and to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties and to provide for the withdrawal of service for refusal or failure to pay the same;

(21) Nuisance. To define a nuisance and provide for its abatement whether on public or private property;

(22) Penalties. To provide penalties for violation of any ordinances adopted pursuant to the authority of this charter and the laws of the State of Georgia;

(23) Planning and zoning. To provide comprehensive city planning for development by zoning; and to provide subdivision regulation and the like as the city council deems necessary and reasonable to ensure a safe, healthy, and aesthetically pleasing community;

(24) Police and fire protection. To exercise the power of arrest through duly appointed police officers and to establish, operate, or contract for a police and a fire-fighting agency;

(25) Public hazards; removal. To provide for the destruction and removal of any building or other structure which is or may become dangerous or detrimental to the public;

(26) Public improvements. To provide for the acquisition, construction, building, operation, and maintenance of public ways, parks and playgrounds, recreational facilities, cemeteries, markets and market houses, public buildings, libraries, public housing, airports, hospitals, terminals, docks, parking facilities, and charitable, cultural, educational, recreational, conservation, sport, curative, corrective, detentional, penal, and medical institutions, agencies, and facilities; and to provide any other public improvements, inside or outside the corporate limits of the city; to regulate the use of public improvements; and, for such purposes, property may be acquired by condemnation under Title 22 of the O.C.G.A. or such other applicable laws as are now or may hereafter be enacted;

(27) Public peace. To provide for the prevention and punishment of drunkenness, riots, and public disturbances;

(28) Public transportation. To organize and operate such public transportation systems as are deemed beneficial;

(29) Public utilities and services. To grant franchises or make contracts for or impose taxes on public utilities and public service companies and to prescribe the rates, fares, regulations, and standards and conditions of service applicable to the service to be provided by the franchise grantee or contractor, insofar as not in conflict with valid regulations of the Georgia Public Service Commission;

(30) Regulation of roadside areas. To prohibit or regulate and control the erection, removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any and all other structures or obstructions upon or adjacent to the rights of way of streets and

roads or within view thereof, within or abutting the corporate limits of the city; and to prescribe penalties and punishment for violation of such ordinances;

(31) Retirement. To provide and maintain a retirement plan for officers and employees of the city;

(32) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and walkways within the corporate limits of the city; and to grant franchises and rights of way throughout the streets and roads and over the bridges and viaducts for the use of public utilities; and to require real estate owners to repair and maintain in a safe condition the sidewalks adjoining their lots or lands and to impose penalties for failure to do so;

(33) Sewer fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring, constructing, equipping, operating, maintaining, and extending of a sewage disposal plant and sewerage system and to levy on those to whom sewers and sewerage systems are made available a sewer service fee, charge, or sewer tax for the availability or use of the sewers; to provide for the manner and method of collecting such service charges and for enforcing payment of the same; and to charge, impose, and collect a sewer connection fee or fees to those connected with the system;

(34) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish, and refuse and to regulate the collection and disposal of garbage, rubbish, and refuse by others; and to provide for the separate collection of glass, tin, aluminum, cardboard, paper, and other recyclable materials and to provide for the sale of such items;

(35) Special areas of public regulation. To regulate or prohibit junk dealers, pawn shops, the manufacture, sale, or transportation of intoxicating liquors, and the use of firearms; to regulate the transportation, storage, and use of combustible, explosive, and inflammable materials, the use of lighting and heating equipment, and any other business or situation which may be dangerous to persons or property; to regulate and control the conduct of peddlers and itinerant traders, theatrical performances, exhibitions, and shows of any kind, by taxation or otherwise; and to license, tax, regulate, or prohibit professional fortunetelling, palmistry, adult bookstores, and massage parlors;

(36) Special assessments. To levy and provide for the collection of special assessments to cover the costs for any public improvements;

(37) Taxes: ad valorem. To levy and provide for the assessment, valuation, revaluation, and collection of taxes on all property subject to taxation;

(38) Taxes: other. To levy and collect such other taxes as may be allowed now or in the future by law;

(39) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the number of such vehicles; to require the operators thereof to be licensed; to require public liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to regulate the parking of such vehicles;

(40) Urban redevelopment. To organize and operate an urban redevelopment program; and

(41) Other powers. To exercise and enjoy all other powers, functions, rights, privileges, and immunities necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience, or general welfare of the city and its inhabitants; and to exercise all implied powers necessary or desirable to carry into execution all powers granted in this charter as fully and completely as if such powers were fully stated in this charter; and to exercise all powers now or in the future authorized to be exercised by other municipal governments under other laws of the State of Georgia; and no listing of particular powers in this charter shall be held to be exclusive of others, nor restrictive of general words and phrases granting powers, but shall be held to be in addition to such powers unless expressly prohibited to municipalities under the Constitution or applicable laws of the State of Georgia.

### **SECTION 1.13.**

#### **Exercise of powers.**

All powers, functions, rights, privileges, and immunities of the city, its officers, agencies, or employees shall be carried into execution as provided by this charter. If this charter makes no provision, such shall be carried into execution as provided by ordinance or as provided by pertinent laws of the State of Georgia.

## **ARTICLE II**

### **GOVERNMENT STRUCTURE**

#### **SECTION 2.10.**

##### **City council creation; number; election.**

The legislative authority of the government of this city, except as otherwise specifically provided in this charter, shall be vested in a city council to be composed of a mayor and four councilmembers. The city council established in this charter shall in all respects be a successor to and continuation of the city governing authority under prior law. The mayor and councilmembers shall be elected in the manner provided by general law and this charter.

**SECTION 2.11.**

City councilmembers;  
terms and qualifications for office.

(a) The members of the city council shall serve for terms of four years and until their respective successors are elected and qualified. The term of office of each member of the city council shall begin on the first day of January immediately following the election of such member unless general law authorizes or requires the term to begin at the first organizational meeting in January or upon some other date. No person shall be eligible to serve as mayor or councilmember unless that person shall have been a resident of the city for 12 months prior to the date of the election of mayor or members of the city council; each shall continue to reside therein during that person's period of service and to be registered and qualified to vote in municipal elections of this city.

(b) The mayor and councilmembers shall be elected by plurality vote as provided in Section 5.13 of this charter.

**SECTION 2.12.**

Vacancy; filling of vacancies.

(a) Vacancies—The office of mayor or councilmember shall become vacant upon the occurrence of any event specified by the Constitution of the State of Georgia, Title 45 of the O.C.G.A., or such other applicable laws as are or may hereafter be enacted.

(b) Filling of vacancies—A vacancy in the office of mayor or councilmember shall be filled for the remainder of the unexpired term, if any, by appointment if less than 12 months remain in the unexpired term, otherwise by an election as provided for in Section 5.14 of this charter and in accordance with Titles 21 and 45 of the O.C.G.A. or such other laws as are or may hereafter be enacted.

**SECTION 2.13.**

Compensation and expenses.

The mayor and councilmembers shall receive compensation and expenses for their services as provided by ordinance.



**SECTION 2.14.****Conflicts of interest; holding other offices.**

(a) Elected and appointed officers of the city are trustees and servants of the residents of the city and shall act in a fiduciary capacity for the benefit of such residents.

(b) Conflict of interest—No elected official, appointed officer, or employee of the city or any agency or political entity to which this charter applies shall knowingly:

(1) Engage in any business or transaction or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of that person's official duties or which would tend to impair the independence of the person's judgment or action in the performance of those official duties;

(2) Engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of that person's official duties or would tend to impair the independence of that person's judgment or action in the performance of those official duties;

(3) Disclose confidential information, including information obtained at meetings which are closed pursuant to Chapter 14 of Title 50 of the O.C.G.A., concerning the property, government, or affairs of the governmental body by which the person is engaged without proper legal authorization or use such information to advance the financial or other private interest of the person or others;

(4) Accept any valuable gift, whether in the form of service, loan, thing, or promise, from any person, firm, or corporation which to the person's knowledge is interested, directly or indirectly, in any manner whatsoever, in business dealings with the governmental body by which the person is engaged; provided, however, that an elected official who is a candidate for public office may accept campaign contributions and services in connection with any such campaign;

(5) Represent other private interests in any action or proceeding against this city or any portion of its government; or

(6) Vote or otherwise participate in the negotiation or in the making of any contract with any business or entity in which that person has a financial interest.

(c) Disclosure—Any elected official, appointed officer, or employee who shall have any financial interest, directly or indirectly, in any contract or matter pending before or within any department of the city shall disclose such interest to the city council. The mayor or any councilmember who has a financial interest in any matter pending before the city council shall disclose such interest and such disclosure shall be entered on the records of the city council, and that person shall disqualify himself or herself from participating in any decision or vote relating thereto. Any elected official, appointed officer, or employee of any agency

or political entity to which this charter applies who shall have any financial interest, directly or indirectly, in any contract or matter pending before or within such entity shall disclose such interest to the governing body of such agency or entity.

(d) Use of public property—No elected official, appointed officer, or employee of the city or any agency or entity to which this charter applies shall use property owned by such governmental entity for personal benefit, convenience, or profit except in accordance with policies promulgated by the city council or the governing body of such agency or entity.

(e) Contracts voidable and rescindable—Any violation of this section which occurs with the knowledge, express or implied, of a party to a contract or sale shall render such contract or sale voidable at the option of the city council.

(f) Ineligibility of elected official—Except where authorized by law, neither the mayor nor any councilmember shall hold any other elective or compensated appointive office in the city or otherwise be employed by said government or any agency thereof during the term for which that official was elected. No former mayor and no former councilmember shall hold any compensated appointive office in the city until one year after the expiration of the term for which that official was elected.

(g) Political activities of certain officers and employees—No appointed officer of the city shall continue in such employment upon qualifying as a candidate for nomination or election to any public office. No employee of the city shall continue in such employment upon election to any public office in this city or any other public office which is inconsistent, incompatible, or in conflict with the duties of the city employee. Such determination shall be made by the mayor and city council either immediately upon election or at any time such conflict may arise.

(h) Penalties for violation—

(1) Any city officer or employee who knowingly conceals such financial interest or knowingly violates any of the requirements of this section shall be guilty of malfeasance in office or position and shall be deemed to have forfeited that person's office or position.

(2) Any officer or employee of the city who shall forfeit an office or position as described in paragraph (1) of this subsection shall be ineligible for appointment or election to or employment in a position in the city government for a period of three years thereafter.

## **SECTION 2.15.**

### **Inquiries and investigations.**

Following the adoption of an authorizing resolution, the city council may make inquiries and investigations into the affairs of the city and the conduct of any department, office, or agency

333 thereof and for this purpose may subpoena witnesses, administer oaths, take testimony, and  
334 require the production of evidence. Any person who fails or refuses to obey a lawful order  
335 issued in the exercise of these powers by the city council shall be punished as provided by  
336 ordinance.

337 **SECTION 2.16.**

338 General power and authority of the city council.

339 Except as otherwise provided by law or this charter, the city council shall be vested with all  
340 the powers of government of this city.

341 **SECTION 2.17.**

342 Organizational meetings.

343 The city council shall hold an organizational meeting on the first Monday of each January  
344 following each election. The meeting shall be called to order by the city clerk and the oath  
345 of office shall be administered to the newly elected members as follows:

346 "I do solemnly (swear) (affirm) that I will faithfully perform the duties of (mayor)  
347 (councilmember) of this city and that I will support and defend the charter thereof as well  
348 as the Constitution and laws of the State of Georgia and the United States of America."

349 **SECTION 2.18.**

350 Regular and special meetings.

351 (a) The city council shall hold regular meetings at such times and places as shall be  
352 prescribed by ordinance.

353 (b) Special meetings of the city council may be held on call of the mayor. Notice of such  
354 special meeting shall be served on all councilmembers personally, or by telephone  
355 personally, at least 48 hours in advance of the meeting. Such notice to councilmembers shall  
356 not be required if the mayor and all councilmembers are present when the special meeting  
357 is called. Such notice of any special meeting may be waived by a councilmember in writing  
358 before or after such a meeting and attendance at the meeting shall also constitute a waiver  
359 of notice on any business transacted in such councilmember's presence. Only the business  
360 stated in the call may be transacted at the special meeting.

361 (c) All meetings of the city council shall be public to the extent required by law, and notice  
362 to the public of special meetings shall be made as fully as is reasonably possible as provided

363 by Code Section 50-14-1 of the O.C.G.A. or other such applicable laws as are or may  
364 hereafter be enacted.

365 **SECTION 2.19.**

366 Rules of procedure.

367 (a) The city council shall adopt its rules of procedure and order of business consistent with  
368 the provisions of this charter and shall provide for keeping a journal of its proceedings, which  
369 shall be a public record.

370 (b) All committees and committee chairpersons and officers of the city council shall be  
371 appointed by the mayor and shall serve at the pleasure of the mayor. The mayor shall have  
372 the power to appoint new members to any committee at any time.

373 **SECTION 2.20.**

374 Quorum; voting.

375 Three councilmembers shall constitute a quorum and shall be authorized to transact business  
376 of the city council. Voting on the adoption of ordinances shall be by voice vote and the vote  
377 shall be recorded in the journal, but any member of the city council shall have the right to  
378 request a roll-call vote and such vote shall be recorded in the journal. Except as otherwise  
379 provided in this charter, the affirmative vote of three councilmembers shall be required for  
380 the adoption of any ordinance, resolution, or motion. An abstention shall be counted as an  
381 affirmative vote. The mayor shall have the power to vote only to break a tie.

382 **SECTION 2.21.**

383 Ordinance form; procedures.

384 (a) Every proposed ordinance should be introduced in writing and in the form required for  
385 final adoption. No ordinance shall contain a subject which is not expressed in its title. The  
386 enacting clause shall be "It is hereby ordained by the governing authority of the City of  
387 Maysville..." and every ordinance shall so begin.

388 (b) An ordinance may be introduced by any councilmember and be read at a regular or  
389 special meeting of the city council. Ordinances shall be considered and adopted or rejected  
390 by the city council in accordance with the rules which it shall establish; provided, however,  
391 an ordinance shall not be adopted the same day it is introduced, except for emergency  
392 ordinances provided in Section 2.23 of this charter. Upon introduction of any ordinance, the  
393 clerk shall as soon as possible distribute a copy to the mayor and to each councilmember and

394 shall file a reasonable number of copies in the office of the clerk and at such other public  
395 places as the city council may designate.

396 **SECTION 2.22.**

397 Action requiring an ordinance.

398 Acts of the city council which have the force and effect of law shall be enacted by ordinance.

399 **SECTION 2.23.**

400 Emergencies.

401 (a) To meet a public emergency affecting life, health, property, or public peace, the city  
402 council may convene on call of the mayor and two councilmembers and promptly adopt an  
403 emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend a  
404 franchise; regulate the rate charged by any public utility for its services; or authorize the  
405 borrowing of money except for loans to be repaid within 30 days. An emergency ordinance  
406 shall be introduced in the form prescribed for ordinances generally, except that it shall be  
407 plainly designated as an emergency ordinance and shall contain, after the enacting clause,  
408 a declaration stating that an emergency exists and describing the emergency in clear and  
409 specific terms. An emergency ordinance may be adopted, with or without amendment, or  
410 rejected at the meeting at which it is introduced, but the affirmative vote of at least three  
411 councilmembers shall be required for adoption. It shall become effective upon adoption or  
412 at such later time as it may specify. Every emergency ordinance shall automatically stand  
413 repealed 30 days following the date upon which it was adopted, but this shall not prevent  
414 reenactment of the ordinance in the manner specified in this section if the emergency still  
415 exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance  
416 in the same manner specified in this section for adoption of emergency ordinances.

417 (b) Such meetings shall be open to the public to the extent required by law and notice to the  
418 public of emergency meetings shall be made as fully as is reasonably possible in accordance  
419 with Code Section 50-14-1 of the O.C.G.A. or such other applicable laws as are or may  
420 hereafter be enacted.

421 **SECTION 2.24.**

422 Codes of technical regulations.

423 (a) The city council may adopt any standard code of technical regulations by reference  
424 thereto in an adopting ordinance. The procedure and requirements governing such adopting

ordinance shall be as prescribed for ordinances generally except that: (1) the requirements of subsection (b) of Section 2.21 of this charter for distribution and filing of copies of the ordinance shall be construed to include copies of any code of technical regulations, as well as the adopting ordinance; and (2) a copy of each adopted code of technical regulations, as well as the adopting ordinance, shall be authenticated and recorded by the clerk pursuant to Section 2.25 of this charter.

(b) Copies of any adopted code of technical regulations shall be made available by the clerk for inspection by the public.

#### **SECTION 2.25.**

Signing; authenticating;  
recording; codification; printing.

(a) The clerk shall authenticate by the clerk's signature and record in full in a properly indexed book kept for that purpose all ordinances adopted by the city council.

(b) The city council shall provide for the preparation of a general codification of all the ordinances of the city having the force and effect of law. The general codification shall be adopted by the city council by ordinance and shall be published promptly, together with all amendments thereto and such codes of technical regulations and other rules and regulations as the city council may specify. This compilation shall be known and cited officially as "The Code of the City of Maysville, Georgia." Copies of the code shall be furnished to all officers, departments, and agencies of the city and made available for purchase by the public at a reasonable price as fixed by the city council.

(c) The city council shall cause each ordinance and each amendment to this charter to be printed promptly following its adoption, and the printed ordinances and charter amendments shall be made available for purchase by the public at reasonable prices to be fixed by the city council. Following publication of the first code under this charter and at all times thereafter, the ordinances and charter amendments shall be printed in substantially the same style as the code currently in effect and shall be suitable in form for incorporation therein. The city council shall make such further arrangements as deemed desirable with reproduction and distribution of any current changes in or additions to codes of technical regulations and other rules and regulations included in the code.

**SECTION 2.26.**

Mayor pro tempore.

The mayor shall appoint a councilmember to serve as mayor pro tempore. The mayor pro tempore shall assume the duties and powers of the mayor during the mayor's physical or mental disability or absence. Any such disability or absence shall be declared by a majority vote of the city council. The mayor pro tempore shall sign all contracts and ordinances in which the mayor has a disqualifying financial interest as provided in Section 2.14 of this charter.

**SECTION 2.27.**

Powers and duties of mayor.

The mayor shall:

- (1) Preside at all meetings of the city council;
- (2) Be the head of the city for the purpose of service of process and for ceremonial purposes and be the official spokesperson for the city and the chief advocate of policy;
- (3) Have power to administer oaths and to take affidavits;
- (4) Sign as a matter of course on behalf of the city all written and approved contracts, ordinances, and other instruments executed by the city which by law are required to be in writing;
- (5) Vote on matters before the city council in the case of a tie and be counted toward a quorum as any other councilmember;
- (6) Prepare and submit to the city council a recommended annual operating budget and recommended capital budget; and
- (7) Fulfill such other executive and administrative duties as the city council shall by ordinance establish.

**ARTICLE III****ADMINISTRATIVE AFFAIRS****SECTION 3.10.**

Administrative and service departments.

(a) Except as otherwise provided in this charter, the city council by ordinance shall prescribe the functions or duties and establish, abolish, alter, consolidate, or leave vacant all nonelective offices, positions of employment, departments, and agencies of the city as necessary for the proper administration of the affairs and government of this city.

487 (b) Except as otherwise provided by this charter or by law, the directors of departments and  
488 other appointed officers of the city shall be appointed solely on the basis of their respective  
489 administrative and professional qualifications.

490 (c) All appointed officers and directors of departments shall receive such compensation as  
491 prescribed by ordinance.

492 (d) There shall be a director of each department or agency who shall be its principal officer.  
493 Each director shall, subject to the direction and supervision of the mayor, be responsible for  
494 the administration and direction of the affairs and operations of that director's department  
495 or agency.

496 (e) All appointed officers and directors under the supervision of the mayor shall be  
497 nominated by the mayor with confirmation of appointment by the city council. All appointed  
498 officers and directors shall be employees at will and subject to removal or suspension at any  
499 time by the mayor unless otherwise provided by law or ordinance.

### 500 **SECTION 3.11.**

#### 501 **Boards, commissions, and authorities.**

502 (a) The city council shall create by ordinance such boards, commissions, and authorities to  
503 fulfill any investigative, quasi-judicial, or quasi-legislative function the city council deems  
504 necessary and shall by ordinance establish the composition, period of existence, duties, and  
505 powers thereof.

506 (b) All members of boards, commissions, and authorities of the city shall be appointed by  
507 the city council for such terms of office and in such manner as shall be provided by  
508 ordinance, except where other appointing authority, terms of office, or manner of  
509 appointment is prescribed by this charter or by law.

510 (c) The city council by ordinance may provide for the compensation and reimbursement for  
511 actual and necessary expenses of the members of any board, commission, or authority.

512 (d) Except as otherwise provided by charter or by law, no member of any board,  
513 commission, or authority shall hold any elective office in the city.

514 (e) Any vacancy on a board, commission, or authority of the city shall be filled for the  
515 unexpired term in the manner prescribed in this charter for original appointment, except as  
516 otherwise provided by this charter or by law.

517 (f) No member of a board, commission, or authority shall assume office until that person has  
518 executed and filed with the clerk of the city an oath obligating himself or herself to faithfully  
519 and impartially perform the duties of that member's office, such oath to be prescribed by  
520 ordinance and administered by the mayor.



(g) All board members serve at will and may be removed at any time by a vote of three members of the city council unless otherwise provided by law.

(h) Except as otherwise provided by this charter or by law, each board, commission, or authority of the city shall elect one of its members as chairperson and one member as vice chairperson and may elect as its secretary one of its own members or may appoint as secretary an employee of the city. Each board, commission, or authority of the city government may establish such bylaws, rules, and regulations, not inconsistent with this charter, ordinances of the city, or law, as it deems appropriate and necessary for the fulfillment of its duties or the conduct of its affairs. Copies of such bylaws, rules, and regulations shall be filed with the clerk of the city.

### **SECTION 3.12.**

City attorney.

The city council shall appoint a city attorney, together with such assistant city attorneys as may be authorized, and shall provide for the payment of such attorney or attorneys for services rendered to the city. The city attorney shall be responsible for providing for the representation and defense of the city in all litigation in which the city is a party; may be the prosecuting officer in the municipal court; shall attend the meetings of the city council as directed; shall advise the city council and other officers and employees of the city concerning legal aspects of the city's affairs; and shall perform such other duties as may be required by virtue of the person's position as city attorney.

### **SECTION 3.13.**

City clerk.

The city council shall appoint a city clerk who shall not be a councilmember. The city clerk shall be custodian of the official city seal and city records; maintain city council records required by this charter; and perform such other duties as may be required by the city council.

### **SECTION 3.14.**

Position classification and pay plans.

The mayor shall be responsible for the preparation of a position classification and pay plan which shall be submitted to the city council for approval. Such plan may apply to all employees of the city and any of its agencies, departments, boards, commissions, or

552 authorities. When a pay plan has been adopted, the city council shall not increase or decrease  
553 the salary range applicable to any position except by amendment of such pay plan. For  
554 purposes of this section, all elected and appointed city officials are not city employees.

555 **SECTION 3.15.**

556 Personnel policies.

557 All employees serve at will and may be removed from office at any time unless otherwise  
558 provided by ordinance.

559 **ARTICLE IV**

560 **JUDICIAL BRANCH**

561 **SECTION 4.10.**

562 Creation; name.

563 There shall be a court to be known as the Municipal Court of the City of Maysville.

564 **SECTION 4.11.**

565 Chief judge; associate judge.

566 (a) The municipal court shall be presided over by a chief judge and such part-time, full-time,  
567 or stand-by judges as shall be provided by ordinance.

568 (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless  
569 that person shall have attained the age of 21 years, shall be a member of the State Bar of  
570 Georgia, and shall possess all qualifications required by law. All judges shall be appointed  
571 by the city council and shall serve until a successor is appointed and qualified.

572 (c) Compensation of the judges shall be fixed by ordinance.

573 (d) Judges serve at will and may be removed from office at any time by the city council  
574 unless otherwise provided by ordinance.

575 (e) Before assuming office, each judge shall take an oath, given by the mayor, that the judge  
576 will honestly and faithfully discharge the duties of the office to the best of that person's  
577 ability and without fear, favor, or partiality. The oath shall be entered upon the minutes of  
578 the city council journal required in Section 2.19 of this charter.

**SECTION 4.12.**

## Convening.

The municipal court shall be convened at regular intervals as provided by ordinance.

**SECTION 4.13.**

## Jurisdiction; powers.

(a) The municipal court shall try and punish violations of this charter, all city ordinances, and such other violations as provided by law.

(b) The municipal court shall have authority to punish those in its presence for contempt, provided that such punishment shall not exceed \$1,000.00 or ten days in jail.

(c) The municipal court may fix punishment for offenses within its jurisdiction not exceeding a fine of \$1,000.00 or imprisonment for ten days or both such fine and imprisonment or may fix punishment by fine, imprisonment, or alternative sentencing, as now or hereafter provided by law.

(d) The municipal court shall have authority to establish a schedule of fees to defray the cost of operation and shall be entitled to reimbursement of the cost of meals, transportation, and caretaking of prisoners bound over to superior courts for violations of state law.

(e) The municipal court shall have authority to establish bail and recognizances to ensure the presence of those charged with violations before said court and shall have discretionary authority to accept cash or personal or real property as surety for the appearance of persons charged with violations. Whenever any person shall give bail for that person's appearance and shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge presiding at such time and an execution issued thereon by serving the defendant and the defendant's sureties with a rule nisi at least two days before a hearing on the rule nisi. In the event that cash or property is accepted in lieu of bond for security for the appearance of a defendant at trial, and if such defendant fails to appear at the time and place fixed for trial, the cash so deposited shall be on order of the judge declared forfeited to the city, or the property so deposited shall have a lien against it for the value forfeited which lien shall be enforceable in the same manner and to the same extent as a lien for city property taxes.

(f) The municipal court shall have the same authority as superior courts to compel the production of evidence in the possession of any party; to enforce obedience to its orders, judgments, and sentences; and to administer such oaths as are necessary.

(g) The municipal court may compel the presence of all parties necessary to a proper disposal of each case by the issuance of summonses, subpoenas, and warrants which may be served as executed by any officer as authorized by this charter or by law.

(h) Each judge of the municipal court shall be authorized to issue warrants for the arrest of persons charged with offenses against any ordinance of the city, and each judge of the municipal court shall have the same authority as a magistrate of the state to issue warrants for offenses against state laws committed within the city.

#### **SECTION 4.14.**

Certiorari.

The right of certiorari from the decision and judgment of the municipal court shall exist in all criminal cases and ordinance violation cases, and such certiorari shall be obtained under the sanction of a judge of the superior court of the county having jurisdiction under the laws of the State of Georgia regulating the granting and issuance of writs of certiorari.

#### **SECTION 4.15.**

Rules for court.

With the approval of the city council, the judge shall have full power and authority to make reasonable rules and regulations necessary and proper to secure the efficient and successful administration of the municipal court; provided, however, that the city council may adopt in part or in toto the rules and regulations applicable to municipal courts. The rules and regulations made or adopted shall be filed with the city clerk, shall be available for public inspection, and, upon request, a copy shall be furnished to all defendants in municipal court proceedings at least 48 hours prior to said proceedings.

### **ARTICLE V**

#### **ELECTIONS AND REMOVAL**

#### **SECTION 5.10.**

Applicability of general law.

All primaries and elections shall be held and conducted in accordance with Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

#### **SECTION 5.11.**

Regular elections; time for holding.

(a) There shall be a municipal general election on the Tuesday following the first Monday in November, 2011, and every two years thereafter.

642 (b) The mayor and those members of the city council who are serving as such on  
643 December 31, 2009, and any person selected to fill a vacancy in any such office shall  
644 continue to serve as such members until the regular expiration of their respective terms of  
645 office.

646 (c) For purposes of electing members of the city council, the City of Maysville is divided  
647 into four posts to be designated Post No. 1, Post No. 2, Post No. 3, and Post No. 4. Any  
648 person seeking election to the city council shall designate the city council post to which he  
649 or she seeks election and shall seek election only to the post so designated. The provisions  
650 of this section shall not be construed as requiring the division of the territory of the city into  
651 council districts or the establishment of council districts. The person receiving a plurality  
652 of votes cast in the entire city for that office shall be elected.

653 (d) The members of the city council shall be elected as provided in this subsection. The  
654 mayor and the members from Post No. 2 and Post No. 4 under the staggered election system  
655 shall be elected at the general election on the Tuesday next following the first Monday in  
656 November, 2011. The mayor and those members of the city council elected thereto from  
657 Post No. 2 and Post No. 4 in 2011 shall take office the first day of January immediately  
658 following that election and shall serve for terms of office which expire December 31, 2015,  
659 and upon the election and qualification of their respective successors. The members from  
660 Post No. 1 and Post No. 3 under the staggered election system shall be elected at the general  
661 election on the Tuesday next following the first Monday in November, 2011. The members  
662 of the city council elected thereto from Post No. 1 and Post No. 3 in 2011 shall take office  
663 the first day of January immediately following that election and shall serve one two-year  
664 term of office which will expire December 31, 2013, and upon the election and qualification  
665 of their respective successors. The members from Post No.1 and Post No. 3 shall then be  
666 elected for a full four-year term at the municipal general election in November, 2013, held  
667 pursuant to subsection (a) of this section. Those and all future successors to the mayor and  
668 members of the city council whose terms of office are to expire shall be elected at the time  
669 of the municipal general election provided for in subsection (a) of this section immediately  
670 preceding the expiration of such terms, shall take office the first day of January immediately  
671 following the election, and shall serve for terms of office of four years each. The mayor and  
672 members of the city council shall serve for the terms of office specified therefor in this  
673 subsection and until their respective successors are elected and qualified.

674 **SECTION 5.12.**

675 Nonpartisan elections.

676 Political parties shall not conduct primaries for city offices and all names of candidates for  
677 city offices shall be listed without party designations.

678 **SECTION 5.13.**

679 Election by plurality.

680 The person receiving a plurality of the votes cast for any city office shall be elected.

681 **SECTION 5.14.**

682 Special elections; vacancies.

683 In the event that the office of mayor or councilmember shall become vacant as provided in  
684 Section 2.12 of this charter, the city council or those remaining shall order a special election  
685 to fill the balance of the unexpired term of such official; provided, however, if such vacancy  
686 occurs within 12 months of the expiration of the term of that office, the city council or those  
687 remaining shall appoint a successor for the remainder of the term. In all other respects, the  
688 special election shall be held and conducted in accordance with Chapter 2 of Title 21 of the  
689 O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

690 **SECTION 5.15.**

691 Other provisions.

692 Except as otherwise provided by this charter, the city council shall, by ordinance, prescribe  
693 such rules and regulations as it deems appropriate to fulfill any options and duties under  
694 Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

695 **SECTION 5.16.**

696 Removal of officers.

697 (a) The mayor, councilmembers, or other appointed officers provided for in this charter shall  
698 be removed from office for any one or more of the causes provided in Title 45 of the  
699 O.C.G.A. or such other applicable laws as are or may hereafter be enacted.

700 (b) Removal of an officer pursuant to subsection (a) of this section shall be accomplished  
701 by one of the following methods:

(1) Following a hearing at which an impartial panel shall render a decision. In the event an elected officer is sought to be removed by the action of the city council, such officer shall be entitled to a written notice specifying the ground or grounds for removal and to a public hearing which shall be held not less than ten days after the service of such written notice. The city council shall provide by ordinance for the manner in which such hearings shall be held. Any elected officer sought to be removed from office as herein provided shall have the right of appeal from the decision of the city council to the superior court of the county having jurisdiction. Such appeal shall be governed by the same rules as govern appeals to the superior court from the probate court; or

(2) By an order of the superior court of the county having jurisdiction following a hearing on a complaint seeking such removal brought by any resident of the City of Maysville.

## ARTICLE VI

### FINANCE

#### **SECTION 6.10.**

##### Property tax.

The city council may assess, levy, and collect an ad valorem tax on all real and personal property within the corporate limits of the city that is subject to such taxation by the state and county. This tax is for the purpose of raising revenues to defray the costs of operating the city government, of providing governmental services, for the repayment of principal and interest on general obligations, and for any other public purpose as determined by the city council in its discretion.

#### **SECTION 6.11.**

##### Millage rate; due dates; payment methods.

The city council by ordinance shall establish a millage rate for the city property tax, a due date, and the time period within which these taxes must be paid. The city council by ordinance may provide for the payment of these taxes by installments or in one lump sum, as well as authorize the voluntary payment of taxes prior to the time when due.

**SECTION 6.12.**

## Occupation and business taxes.

The city council by ordinance shall have the power to levy such occupation or business taxes as are not denied by law. The city council may classify businesses, occupations, or professions for the purpose of such taxation in any way which may be lawful and may compel the payment of such taxes as provided in Section 6.18 of this charter.

**SECTION 6.13.**

## Regulatory fees; permits.

The city council by ordinance shall have the power to require businesses or practitioners doing business within this city to obtain a permit for such activity from the city and pay a reasonable regulatory fee for such permit as provided by general law. Such fees shall reflect the total cost to the city of regulating the activity and, if unpaid, shall be collected as provided in Section 6.18 of this charter.

**SECTION 6.14.**

## Franchises.

(a) The city council shall have the power to grant franchises for the use of this city's streets and alleys for the purposes of railroads, street railways, telephone companies, electric companies, electric membership corporations, cable television and other telecommunications companies, gas companies, transportation companies, and other similar organizations. The city council shall determine the duration, terms, whether the same shall be exclusive or nonexclusive, and the consideration for such franchises; provided, however, no franchise shall be granted for a period in excess of 35 years and no franchise shall be granted unless the city receives just and adequate compensation therefor. The city council shall provide for the registration of all franchises with the city clerk in a registration book kept by the city clerk. The city council may provide by ordinance for the registration within a reasonable time of all franchises previously granted.

(b) If no franchise agreement is in effect, the city council has the authority to impose a tax on gross receipts for the use of this city's streets and alleys for the purposes of railroads, street railways, telephone companies, electric companies, electric membership corporations, cable television and other telecommunications companies, gas companies, transportation companies, and other similar organizations.



761 **SECTION 6.15.**

762 Service charges.

763 The city council by ordinance shall have the power to assess and collect fees, charges, and  
764 tolls for sewers, sanitary and health services, or any other services provided or made  
765 available within and outside the corporate limits of the city for the total cost to the city of  
766 providing or making available such services. If unpaid, such charges shall be collected as  
767 provided in Section 6.18 of this charter.

768 **SECTION 6.16.**

769 Special assessments.

770 The city council by ordinance shall have the power to assess and collect the cost of  
771 constructing, reconstructing, widening, or improving any public way, street, sidewalk,  
772 curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property  
773 owners under such terms and conditions as are reasonable. If unpaid, such charges shall be  
774 collected as provided in Section 6.18 of this charter.

775 **SECTION 6.17.**

776 Construction; other taxes and fees.

777 This city shall be empowered to levy any other tax or fee allowed now or hereafter by law,  
778 and the specific mention of any right, power, or authority in this article shall not be construed  
779 as limiting in any way the general powers of this city to govern its local affairs.

780 **SECTION 6.18.**

781 Collection of delinquent taxes and fees.

782 The city council by ordinance may provide generally for the collection of delinquent taxes,  
783 fees, or other revenue due the city under Sections 6.10 through 6.17 of this charter by  
784 whatever reasonable means as are not precluded by law. This shall include providing for the  
785 dates when the taxes or fees are due; late penalties or interest; issuance and execution of  
786 fi. fas.; creation and priority of liens; making delinquent taxes and fees personal debts of the  
787 persons required to pay the taxes or fees imposed; revoking city permits for failure to pay any  
788 city taxes or fees; and providing for the assignment or transfer of tax executions.

789                                   **SECTION 6.19.**

790                                   General obligation bonds.

791   The city council shall have the power to issue bonds for the purpose of raising revenue to  
792   carry out any project, program, or venture authorized under this charter or the laws of the  
793   state. Such bonding authority shall be exercised in accordance with the laws governing bond  
794   issuance by municipalities in effect at the time said issue is undertaken.

795                                   **SECTION 6.20.**

796                                   Revenue bonds.

797   Revenue bonds may be issued by the city council as state law now or hereafter provides.  
798   Such bonds are to be paid out of any revenue produced by the project, program, or venture  
799   for which they were issued.

800                                   **SECTION 6.21.**

801                                   Short-term loans.

802   The city may obtain short-term loans and must repay such loans not later than December 31  
803   of each year, unless otherwise provided by law.

804                                   **SECTION 6.22.**

805                                   Lease-purchase contracts.

806   The city may enter into multiyear lease, purchase, or lease-purchase contracts for the  
807   acquisition of goods, materials, real and personal property, services, and supplies, provided  
808   the contract terminates without further obligation on the part of the municipality at the close  
809   of the calendar year in which it was executed and at the close of each succeeding calendar  
810   year for which it may be renewed. Contracts must be executed in accordance with the  
811   requirements of Code Section 36-60-13 of the O.C.G.A., or other such applicable laws as are  
812   or may hereafter be enacted.

**SECTION 6.23.**

Fiscal year.

The city council shall set the fiscal year by ordinance. This fiscal year shall constitute the budget year and the year for financial accounting and reporting of each and every office, department, agency, and activity of the city government.

**SECTION 6.24.**

Preparation of budgets.

The city council shall provide an ordinance on the procedures and requirements for the preparation and execution of an annual operating budget, a capital improvement plan, and a capital budget, including requirements as to the scope, content, and form of such budgets and plans.

**SECTION 6.25.**

Submission of operating budget to city council.

On or before a date fixed by the city council but not later than 45 days prior to the beginning of each fiscal year, the mayor shall submit to the city council a proposed operating budget for the ensuing fiscal year. The budget shall be accompanied by a message from the mayor containing a statement of the general fiscal policies of the city, the important features of the budget, explanations of major changes recommended for the next fiscal year, a general summary of the budget, and other pertinent comments and information. The operating budget and the capital budget provided for in Section 6.29 of this charter, the budget message, and all supporting documents shall be filed in the office of the city clerk and shall be open to public inspection.

**SECTION 6.26.**

Action by city council on budget.

(a) The city council may amend the operating budget proposed by the mayor, except that the budget as finally amended and adopted must provide for all expenditures required by state law or by other provisions of this charter and for all debt service requirements for the ensuing fiscal year. The total appropriations from any fund shall not exceed the estimated fund balance, reserves, and revenues.

(b) The city council by ordinance shall adopt the final operating budget for the ensuing fiscal year not later than December 31 of each year. If the city council fails to adopt the budget by this date, the amounts appropriated for operation for the then current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items prorated accordingly, until such time as the city council adopts a budget for the ensuing fiscal year. Adoption of the budget shall take the form of an appropriations ordinance setting out the estimated revenues in detail by sources and making appropriations according to fund and by organizational unit, purpose, or activity as set out in the budget preparation ordinance adopted pursuant to Section 6.24 of this charter.

(c) The amount set out in the adopted operating budget for each organizational unit shall constitute the annual appropriation for such, and no expenditure shall be made or encumbrance created in excess of the otherwise unencumbered balance of the appropriations or allotment thereof to which it is chargeable.

#### **SECTION 6.27.**

##### **Tax levies.**

The city council shall levy by ordinance such taxes as are necessary. The taxes and tax rates set by such ordinance shall be such that reasonable estimates of revenues from such levy shall at least be sufficient, together with other anticipated revenues, fund balances, and applicable reserves, to equal the total amount appropriated for each of the several funds set forth in the annual operating budget for defraying the expenses of the general government of this city.

#### **SECTION 6.28.**

##### **Changes in appropriations.**

The city council by ordinance may make changes in the appropriations contained in the current operating budget at any regular meeting or special or emergency meeting called for such purpose, but any additional appropriations may be made only from an existing unexpended surplus.

#### **SECTION 6.29.**

##### **Capital budget.**

(a) On or before the date fixed by the city council, but not later than 45 days prior to the beginning of each fiscal year, the mayor shall submit to the city council a proposed capital

873 improvements plan with a recommended capital budget containing the means of financing  
874 the improvements proposed for the ensuing fiscal year. The city council shall have power  
875 to accept, with or without amendments, or reject the proposed plan and proposed budget.  
876 The city council shall not authorize an expenditure for the construction of any building,  
877 structure, work, or improvement unless the appropriations for such project are included in  
878 the capital budget, except to meet a public emergency as provided in Section 2.23 of this  
879 charter.

880 (b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal  
881 year not later than December 31 of each year. No appropriation provided for in a prior  
882 capital budget shall lapse until the purpose for which the appropriation was made shall have  
883 been accomplished or abandoned; provided, however, the mayor may submit amendments  
884 to the capital budget at any time during the fiscal year, accompanied by recommendations.  
885 Any such amendments to the capital budget shall become effective only upon adoption by  
886 ordinance.

#### 887 **SECTION 6.30.**

##### 888 Independent audits.

889 There shall be an annual independent audit of all city accounts, funds, and financial  
890 transactions by a certified public accountant selected by the city council. The audit shall be  
891 conducted according to generally accepted auditing principles. Any audit of any funds by  
892 the state or federal governments may be accepted as satisfying the requirements of this  
893 charter. Copies of annual audit reports shall be available at printing costs to the public.

#### 894 **SECTION 6.31.**

##### 895 Contracting procedures.

896 No contract with the city shall be binding on the city unless:

- 897 (1) It is in writing;
- 898 (2) It is drawn by or submitted and reviewed by the city attorney and, as a matter of  
899 course, is signed by the city attorney to indicate such drafting or review; and
- 900 (3) It is made or authorized by the city council and such approval is entered in the city  
901 council journal of proceedings pursuant to Section 2.20 of this charter.

**SECTION 6.32.**

## Centralized purchasing.

The city council shall by ordinance prescribe procedures for a system of centralized purchasing for the city.

**SECTION 6.33.**

## Sale and lease of city property.

(a) The city council may sell and convey or lease any real or personal property owned or held by the city for governmental or other purposes as now or hereafter provided by law.

(b) The city council may quitclaim any rights it may have in property not needed for public purposes upon report by the mayor and adoption of a resolution, both finding that the property is not needed for public or other purposes and that the interest of the city has no readily ascertainable monetary value.

(c) Whenever in opening, extending, or widening any street, avenue, alley, or public place of the city a small parcel or tract of land is cut off or separated by such work from a larger tract or boundary of land owned by the city, the city council may authorize the mayor to sell and convey said cut-off or separated parcel or tract of land to an abutting or adjoining property owner or owners where such sale and conveyance facilitates the enjoyment of the highest and best use of the abutting owner's property. Included in the sales contract shall be a provision for the rights of way of said street, avenue, alley, or public place. Each abutting property owner shall be notified of the availability of the property and given the opportunity to purchase said property under such terms and conditions as set out by ordinance. All deeds and conveyances heretofore and hereafter so executed and delivered shall convey all title and interest the city has in such property, notwithstanding the fact that no public sale after advertisement was or is hereafter made.

**ARTICLE VII****GENERAL PROVISIONS****SECTION 7.10.**

## Bonds for officials.

The officers and employees of this city, both elected and appointed, shall execute such surety or fidelity bonds in such amounts and upon such terms and conditions as the city council shall from time to time require by ordinance or as may be provided by law.

933 **SECTION 7.11.**

934 Prior ordinances.

935 All ordinances, resolutions, rules, and regulations now in force in the city not inconsistent  
936 with this charter are declared valid and of full effect and force until amended or repealed by  
937 the city council.

938 **SECTION 7.12.**

939 Existing personnel and officers.

940 Except as specifically provided otherwise by this charter, all personnel and officers of the  
941 city and their rights, privileges, and powers shall continue beyond the time this charter takes  
942 effect unless the existing city council shall pass a transition ordinance detailing the changes  
943 in personnel and appointed officers required or desired and arranging such titles, rights,  
944 privileges, and powers as may be required or desired to allow a reasonable transition.

945 **SECTION 7.13.**

946 Pending matters.

947 Except as specifically provided otherwise by this charter, all rights, claims, actions, orders,  
948 contracts, and legal or administrative proceedings shall continue and any such ongoing work  
949 or cases shall be completed by such city agencies, personnel, or offices as may be provided  
950 by the city council.

951 **SECTION 7.14.**

952 Construction.

953 (a) Section captions in this charter are informative only and are not to be considered as a part  
954 thereof.

955 (b) The word "shall" is mandatory and the word "may" is permissive.

956 (c) The singular shall include the plural, the masculine shall include the feminine, and vice  
957 versa.

958 **SECTION 7.15.**

959 Specific repealer.

960 The following Acts and amendatory Acts are repealed in their entirety:

- 961 (1) An Act entitled "An Act to revise, consolidate, and amend the several Acts  
962 incorporating the Town of Maysville," approved August 17, 1909 (Ga. L. 1909, p. 1110),  
963 and all amendatory Acts thereto;
- 964 (2) An Act revising, consolidating, and amending the several Acts incorporating the  
965 Town of Maysville so as to reincorporate the City of Maysville, approved May 18, 2007  
966 (Ga. L. 2007, p. 3995); and
- 967 (3) An Act amending an Act revising, consolidating, and amending the several Acts  
968 incorporating the Town of Maysville so as to reincorporate the City of Maysville,  
969 approved May 6, 2009 (Ga. L. 2009, p. 3683).

970 **SECTION 7.16.**  
971 Preclearance.

972 The governing authority of the City of Maysville shall through its legal counsel cause this  
973 Act to be submitted for preclearance under the federal Voting Rights Act of 1965, as  
974 amended; and such submission shall be made to the United States Department of Justice or  
975 filed with the appropriate court no later than 45 days after the date on which this Act is  
976 approved by the Governor or otherwise becomes law without such approval.

977 **SECTION 7.17.**  
978 General repealer.

979 All laws and parts of laws in conflict with this Act are repealed.